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TAGS: PREL PGOV PHUM PREF GG

SUBJECT: MOJ TAKES OVER IMPLEMENTATION OF SOUTH OSSETIAN RESTITUTION LAW

REF: TBILISI 826

¶11. This cable contains an action request. Please see paragraph 5.

¶12. In late May, Minister of Justice Gia Kavtaradze and influential majoritarian Parliamentarian Giga Bokeria assumed responsibility for implementing the South Ossetian Restitution Law, replacing State Minister for Civil Integration Zinaida Bestaeva following her unsuccessful attempts to establish a Restitution Commission. At a May 28 meeting with representatives from the European Commission, Council of Europe, OSCE, UNHCR, and the U.S. Embassy, both Kavtaradze and Bokeria stressed the need for the international community to nominate three international experts for the Restitution Commission, the essential first step in establishing the Commission and implementing the Restitution Law (reftel).

¶13. During the meeting, the Council of Europe informed the group that it had identified an expert for nomination, but said they would withhold the nomination until two other experts could be found. UNHCR and OSCE recused themselves from nominating an expert, saying that it would be outside their mandate, but volunteered to provide the names and CV's of experts for other international organizations to nominate.

Representatives from the EC and U.S. Embassy said they may be able to nominate an expert, but would need to clarify any legal issues before committing. Bokeria said that Prime Minister Noghaideli has allocated 100,000 Georgian lari (USD 59,500) toward the initial start-up costs of the Commission, but noted that the Georgian government expected the bulk of the funding for the Commission's work and the cost of restitution claims to come from international donors.

¶14. Comment: The replacement of Bestaeva by Kavtaradze and Bokeria is a good move by the Georgian government, placing most of the responsibility for implementing the law with the Ministry of Justice, where it belongs. According to the Restitution Law, the Commission should have been formed by the end of May, five months from the date the Law went into force. The fact that Bestaeva was replaced by two other government officials (one of whom is an influential parliamentarian and a key advisor to the President) for her failure to meet this deadline indicates that the Georgian government is serious in its commitment to implement the law and provide restitution to those displaced by the Georgian-Ossetian conflict. End Comment.

¶15. Action Request: Post requests Department guidance on the legality of Post nominating an independent international expert to the Commission.

TEFFT